

CHAITMAN LLP

Helen Davis Chaitman

hchaitman@chaitmanllp.com

465 Park Avenue

New York, New York 10022

Phone & Fax: 888-759-1114

Hearing Date: March 3, 2021

Hearing Time: 10:00 AM

Objection Date: February 24, 2021

Attorneys for Defendants

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

ESTATE OF SEYMOUR EPSTEIN,

MURIEL EPSTEIN, as beneficiary of the Estate of
Seymour Epstein and/or trusts created by the Last
Will and Testament of Seymour Epstein, as
executor of the Estate and/or trustee of the Trusts
created by the Last Will and Testament of Seymour
Epstein,

HERBERT C. KANTOR, trustee of the Trusts
created by the Last Will and Testament of Seymour
Epstein,

and

SHELBURNE SHIRT COMPANY, INC.,

Defendants.

Adv. Pro. No. 10-04438 (CGM)

**NOTICE OF MOTION FOR RELIEF FROM JUDGMENT, CONSIDERATION OF
OBJECTIONS, ENTRY OF COUNTER-PROPOSED ORDER
AND STAY OF JUDGMENT PENDING APPEAL**

PLEASE TAKE NOTICE THAT, upon the accompanying Memorandum of Law, and Declaration of Helen Davis Chaitman, with all exhibits attached thereto, Defendants Estate of Seymour Epstein, Muriel Epstein, as executor of the Estate and trustee of the Trusts created by the Last Will and Testament of Seymour Epstein, and Shelburne Shirt Company, Inc, (“Defendants”), and non-defendants Jane Epstein, Randy Austin, and Susan Gross as successor co-trustees to Herbert C. Kantor, as trustee of the Trusts created by the Last Will and Testament of Seymour Epstein (the “Successor Trustees”), by and through their counsel, move this Court, before the Honorable Cecelia G. Morris, Chief United States Bankruptcy Judge for the Southern District of New York, at the United States Bankruptcy Court for the Southern District of New York, 355 Main Street, Poughkeepsie, New York 12601, at a hearing to be held on March 3, 2021 at 10:00 in the forenoon or as soon thereafter as counsel may be heard, for an order granting Defendants’ motion, pursuant to Federal Rule of Civil Procedure (“FRCP”) 60(b), made applicable by Federal Rule of Bankruptcy Procedure (“FRBP”) 9024, and FRBP 8007, (1) vacating the Judgment entered on February 4, 2021, *Picard v Estate of Seymour Epstein. et al.* Adv. Pro. No. 10-04438 (CGM) (Bankr. S.D.N.Y.) ECF No. 158¹ (the “Judgment”), less than 24 hours after its submission to the Court by the Trustee and before Defendants had an opportunity to object to the form of the Judgment; (2) considering Defendants’ objections to the Judgment (ECF. No. 159); (3) entering the Counter-Proposed Order Defendant submitted in that objection (ECF 159-1), and (4) staying enforcement of the Judgment pending appeal to an Article III Court together with such other and further relief as this Court deems just and proper.

¹ Unless otherwise specified, all references to ECF No. __ are to this case, *Picard v Estate of Seymour Epstein. et al.* Adv. Pro. No. 10-04438 (CGM) (Bankr. S.D.N.Y.).

. **PLEASE TAKE FURTHER NOTICE** that responsive papers, if any, shall be served and filed in accordance with the Federal Rules of Bankruptcy Procedure and the Local Rules applicable to this Court. Oral argument on this motion is currently scheduled for March 3, 2021 at 10:00 a.m.

Dated: February 5, 2020
New York, New York

CHAITMAN LLP

By: /s/ Helen Davis Chaitman
Helen Davis Chaitman
hchaitman@chaitmanllp.com
465 Park Avenue
New York, New York 10022
Phone & Fax: 888-759-1114

Attorneys for Defendants